

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1266 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UDESING NATHUBHAI

Versus

STATE OF GUJARAT

Appearance:

MR SANJAY AMIN for Petitioner

MR AB VYAS, Ld. APP for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 15/10/97

ORAL JUDGEMENT

The prisoner is present before this Court.

Heard. In the order passed on 1/10/1997 the submission of Mr. Vyas was recorded to the effect that third furlough falling due on 31/10/1996 came to be forfeited. However, on going through the record once again he verifies and states that the said furlough,

namely third furlough due on 31/10/1996 was not forfeited, but it came to be rejected on 25/7/1997 on the ground of adverse police opinion. As against this it also appears that the prisoner had reported in time when he was released on parole on a couple of occasions. This happened after his earlier furlough was forfeited in the year 1994. Hence, having heard the Ld. A.P.P. for the respondents and having regard to the peculiar facts and circumstances of the case, following direction is issued :-

The petitioner shall be released on his due third furlough on usual terms and conditions as also conditions that might be imposed by the concerned jail authority. Rule made absolute in the aforesaid terms.

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